

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

State of Montana, Department of Fish, Wildlife & Parks
C/O Andy Brummond
PO Box 938
Lewistown, MT 59457

2. Type of action: Application to Change Water Right No. 41O 30138934

3. Water source name: Teton River

4. Location affected by project:

The historical point of diversion for Statement of Claim Nos. 41O 178054-00 and 41O 171394-00 is located in the NWNENE Section 15, 25N1W for Statement of Claim Nos. 41O 178054-00 and 41O 171394-00. The proposed protected reach is from their historical point of diversion (NWNENE Section 15 25N1W) to a point immediately below USGS gage No. 06108000 (SESESW Section 12, 25N1E) on the Teton River.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to protect the combined historical flow rate (5.9 CFS) and the combined historically diverted volume (441.5 AF) at the historical point of diversion for Statements of Claim Nos. 41O 178054-00 and 41O 171394-00. The Applicant also proposes to protect the combined historically consumed flow rate (3.54 CFS) and historically consumed volume (264.9 AF) for Statement of Claim Nos. 41O 178054-00 and 41O 171394-00 from their historical point of diversion to a point immediately below USGS gage No. 06108000 on the Teton River. This reach is approximately 17 river miles long.

The DNRC shall issue an issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Department of Fish, Wildlife, & Parks (DFWP)
Montana Department of Environmental Quality (DEQ)
Montana Natural Heritage Program Species of Concern Report
U.S. Fish and Wildlife Service National (USFWS) Wetlands Inventory
United States Department of Agriculture (USDA)
National Resource Conservation Service (NRCS) Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Applicant seeks to temporarily change Statements of Claim Nos. 41O 178054-00 and 41O 171394-00 from irrigation to instream flow protection within the Teton River. Additional water will be left in the Teton River, which is listed as a dewatered stream by Montana Fish, Wildlife & Parks (FWP).

Determination: No negative impact expected

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

The Teton River has been assessed for beneficial uses by DEQ. Flathead Lake is identified by DEQ as fully supporting agriculture, primary contact recreation, and drinking water and not fully supporting aquatic life. It is anticipated that the Applicant's proposed instream flow protection will have a positive effect on the Teton River's water quality.

Determination: No negative impact expected

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

This appropriation does not involve groundwater.

Determination: No negative impact expected

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Water will be left instream to benefit the fishery. No diversion works will be required.

Determination: No negative impact expected

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

The Montana National Heritage Program website was reviewed to determine if there are any “threatened” or “endangered” fish, wildlife, plants or aquatic species that could potentially be impacted by this project. “Species of special concern” were also included in this search. According to the Montana National Heritage Program, 7 animal species and 0 plant species of concern are located in Township 25N, Range 1W. This project is designed to leave additional water instream and it is not anticipated that any of the species of concern will be impacted by the proposed project.

Animal species include:

<u><i>Ursus arctos</i></u> Grizzly Bear	<u><i>Apalone spinifera</i></u> Spiny Softshell
<u><i>Centronyx bairdii</i></u> Baird's Sparrow	<u><i>Phrynosoma hernandesi</i></u> Greater Short-horned Lizard
<u><i>Lanius ludovicianus</i></u> Loggerhead Shrike	<u><i>Sander canadensis</i></u> Sauger
<u><i>Numenius americanus</i></u> Long-billed Curlew	

Determination: No negative impact expected

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

No wetlands were identified within the project area.

Determination: No negative impact expected

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

No ponds exist within the project area.

Determination: No negative impact expected

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

According to NRCS Web Soil Survey, the soils within the project area are primarily Ryell-Havre loams, Kobase-Ethridge clay loams, and Havre loams, 0 to 8 percent slopes. Soil in this area is well drained, with a moderate water storage profile. Salinity properties of this soil are listed as approximately 5 to 15 percent. The stability of the soil profile and moisture content will not be significantly altered. No degradation of soil quality shall occur

Determination: No negative impact expected

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Any impacts to existing vegetation will be within the range of current disturbances due to current land use practices. Noxious weeds are not expected to be established or spread due to the proposed project.

Determination: No negative impact expected

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

No deterioration of air quality or adverse air quality impacts from increased air pollutants are not expected due to this project. No air pollutants were identified as resulting from the applicants proposed use

Determination: No negative impact expected

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A- Project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

No additional impacts to land, water, or energy have been identified and no further impacts are anticipated.

Determination: No negative impact expected

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

This project is not located in an area with any known locally adopted environmental plans or goals.

Determination: No negative impact expected

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No negative impact expected

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

The proposed project creates no significant negative impact on human health.

Determination: No negative impact expected

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No known regulatory impacts

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity? None identified

(b) Local and state tax base and tax revenues? None identified

- (c) Existing land uses? None identified
- (d) Quantity and distribution of employment? None identified
- (e) Distribution and density of population and housing? None identified
- (f) Demands for government services? None identified
- (g) Industrial and commercial activity? None identified
- (h) Utilities? None identified
- (i) Transportation? None identified
- (j) Safety? None identified
- (k) Other appropriate social and economic circumstances? None identified

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified

Cumulative Impacts None identified

3. *Describe any mitigation/stipulation measures:* None identified

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* The only alternative to the proposed action would be the no action alternative. The no action alternative would be to not authorize Application to Change Water Right No. 41O 30138934

PART III. Conclusion

1. Preferred Alternative

Issue Application to Change Water Right No. 41O 30138934 if the applicant proves the criteria in 85-2-402 MCA are met.

2 *Comments and Responses*

None

3. *Finding:*

Yes ___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant negative impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Troy Lechman

Title: Hydrologist, MTDNRC

Date: 03/31/2020